

CITY OF EL PASO, TEXAS
AGENDA ITEM DEPARTMENT HEAD'S SUMMARY FORM

DEPARTMENT: Planning, Research & Development

AGENDA DATE: Introduction: September 20, 2005
Public Hearing: October 11, 2005

CONTACT PERSON/PHONE: Christina Valles, 541-4930

DISTRICT(S) AFFECTED: 1

SUBJECT:

An Ordinance granting Special Permit NO. ZON05-00083, to allow for a parking reduction on the property described as a portion of Lots 11-15, Block 214, Alexander Addition, El Paso, El Paso County, Texas, pursuant to Section 20.64.175 of the El Paso Municipal Code. The penalty is as provided for in Chapter 20.68 of the El Paso Municipal Code. Subject Property: 300 Cincinnati Street. Applicant: Wolfe Commonwealth I, Ltd. ZON05-00083 (District 1)

BACKGROUND / DISCUSSION:

See attached report.

PRIOR COUNCIL ACTION:

N/A

AMOUNT AND SOURCE OF FUNDING:

N/A

BOARD / COMMISSION ACTION:

Development Coordinating Committee (DCC) – Approval Recommendation
City Plan Commission (CPC) – Approval Recommendation

*****REQUIRED AUTHORIZATION*****

LEGAL: (if required) N/A

FINANCE: (if required) N/A

DEPARTMENT HEAD: George Sarmiento, AICP

APPROVED FOR AGENDA:

CITY MANAGER: _____ **DATE:** _____

ORDINANCE NO. _____

AN ORDINANCE GRANTING SPECIAL PERMIT NO. ZON05-00083, TO ALLOW FOR A PARKING REDUCTION ON THE PROPERTY DESCRIBED AS A PORTION OF LOTS 11-15, BLOCK 214, ALEXANDER ADDITION, EL PASO, EL PASO COUNTY, TEXAS, PURSUANT TO SECTION 20.64.175 OF THE EL PASO MUNICIPAL CODE. THE PENALTY IS AS PROVIDED FOR IN CHAPTER 20.68 OF THE EL PASO MUNICIPAL CODE.

WHEREAS, Wolfe Commonwealth I, Ltd. has applied for a Special Permit under Section 20.64.175 of the El Paso Municipal Code to allow for a parking reduction;

WHEREAS, the requirements of Section 20.64.175 have been satisfied; and

WHEREAS, a report was made by the City Plan Commission and a public hearing was held regarding such application;

WHEREAS, the City Plan Commission has recommended approval of the subject Special Permit; and

WHEREAS, the subject Special Permit has been submitted to the City Council of the City of El Paso for review and approval;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

1. That the property described as follows, and more completely described in Exhibit “A”, is in the C-1 (Commercial) District, requiring seven (7) off-street parking spaces to serve a proposed restaurant;

A portion of Lots 11-15, Block 214, Alexander Addition, El Paso, El Paso County, Texas; and

2. That the City Council hereby grants a Special Permit under Section 20.64.175 of the El Paso Municipal Code so that the parking requirements described in Paragraph 1 of this Ordinance may be satisfied with a parking reduction as described in Paragraph 3 of this Ordinance;

3. That the City Council hereby grants a Special Permit under Section 20.64.175 for a parking reduction of 100%, so that the property, required to provide seven (7) off-street parking spaces, can satisfy the parking requirements by providing zero (0) off-street parking spaces;

4. That this Special Permit is issued subject to the development standards in the C-1 (Commercial) District regulations and is subject to the approved Detailed Site Development Plan signed by the Applicant, the City Manager and the Executive Secretary to the City Plan Commission. A copy of this plan is attached hereto as Exhibit "B" and is incorporated herein by reference for all purposes;

5. That if at any time the Applicant fails to comply with any of the requirements of this Ordinance, **Special Permit No. ZON05-00083**, shall be subject to automatic termination; construction or occupancy shall be discontinued; and the Applicant shall be subject to the penalty provisions of Chapter 20.68 and any other legal or equitable remedy; and

6. That the Applicant shall sign an Agreement incorporating the requirements of this Ordinance. Such Agreement shall be signed and filed with the Zoning Administrator and the Executive Secretary to the City Plan Commission before building permits are issued.

PASSED AND APPROVED this _____ day of _____, 2005.

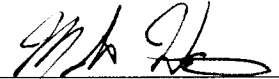
THE CITY OF EL PASO

ATTEST:

John F. Cook, Mayor


Richarda Duffy Momsen, City Clerk

APPROVED AS TO FORM:



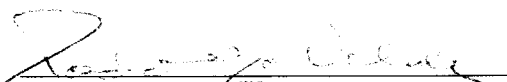
Matt Watson, Assistant City Attorney
Doc No. 16267

APPROVED AS TO CONTENT:



Christina Valles, Planner II
Planning, Research & Development
Department

APPROVED AS TO CONTENT:



Rodolfo Valdez, Chief Urban Planner
Planning, Research & Development
Department

AGREEMENT

Wolfe Commonwealth I, Ltd., the Applicant referred to in the above Ordinance, hereby agrees to develop the above-described property in accordance with the approved Detailed Site Development Plan and in accordance with the standards identified in the C-1 (Commercial) District regulations, and subject to all other requirements set forth in this Ordinance.

EXECUTED this _____ day of _____, 2005.

By: _____

(name)

(signature)

ACKNOWLEDGMENT

THE STATE OF TEXAS)
)
COUNTY OF EL PASO)

This instrument is acknowledged before me on this _____ day of _____, 2005, by _____, as Applicant.

My Commission Expires:

Notary Public, State of Texas

Notary's Printed or Typed Name:

Property Description: A portion of Lots 11 through 15, Block 214, Alexander Addition, El Paso, El Paso County, Texas

METES AND BOUNDS DESCRIPTION

The parcel of land herein described is portion of Lots 11 through 15, Block 214, Alexander Addition, El Paso, El Paso County, Texas, and is more particularly described by metes and bounds as follow:

Commencing at an existing city monument lying at the intersection of the monument lines of Stanton Street and Cincinnati Street, said monument lines lying 10 feet east and 10 feet north of the respective centerlines of Stanton Street and Cincinnati Street; Thence, North $52^{\circ} 23' 00''$ East, along the monument line of Cincinnati Street, a distance of 35.00 feet to a point; Thence, South $37^{\circ} 37' 00''$ East, a distance of 55.00 feet to a chiseled "x", said point being the TRUE POINT OF BEGINNING of this description;

THENCE, North $52^{\circ} 23' 00''$ East, a distance of 62.00 feet to a chiseled "x";

THENCE, South $37^{\circ} 37' 00''$ East, a distance of 120.00 feet to a set $5/8$ " iron with Sub-Land cap lying on the common boundary line between Lots 15 and 16, Block 214, Alexander Addition;

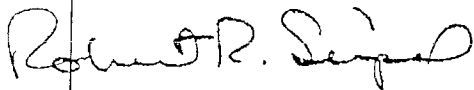
THENCE, South $52^{\circ} 23' 00''$ West, along said boundary line, a distance of 62.00 feet to a set bridge nail;

THENCE, North $37^{\circ} 37' 00''$ West, a distance of 120.00 feet to the TRUE POINT OF BEGINNING of this description.

Said parcel of land contains 0.17080 acres (7,440.00 sq.ft.) of land more or less.

SUB-LAND, INC.

Consulting Engineers -- Land Surveyors



Robert R. Seipel
Registered Public Surveyor
Texas License No. 4178

July 3, 1985
Job Number 05-855488
3853A

2626 North Stanton

EXHIBIT "A"

JOHN COOK
MAYOR

JOYCE WILSON
CITY MANAGER

GEORGE G. SARMIENTO, AICP
DEPUTY DIRECTOR



CITY COUNCIL
ANN MORGAN LILLY, DISTRICT 1
SUSANNAH M. BYRD, DISTRICT 2
J. ALEXANDRO LOZANO, DISTRICT 3
MELINA CASTRO, DISTRICT 4
PRESI ORTEGA, JR., DISTRICT 5
EDDIE HOLGUIN JR., DISTRICT 6
STEVE ORTEGA, DISTRICT 7
BETO O'ROURKE, DISTRICT 8

**PLANNING, RESEARCH &
DEVELOPMENT DEPARTMENT**

September 13, 2005

TO: The Honorable Mayor and City Council
Joyce A. Wilson, City Manager

FROM: Christina Valles, Planner II

SUBJECT: ZON05-00083

The City Plan Commission (CPC), on September 8, 2005, voted **4-0** to recommend **APPROVAL** of this special permit request for a parking reduction, concurring with Staff's recommendation.

The CPC found that this special permit request is in conformance with The Plan for El Paso; and the proposed use is in conformance with the Year 2025 Projected General Land Use Map. The CPC also determined that this special permit request is in the best interest, health, safety and welfare of the public in general.

There was a **petition** submitted in **OPPOSITION** to this request.

Attachment: Location Map, Site Plan.

STAFF REPORT

Special Use Permit #: ZON05-00083

Property Owner(s): Wolfe Commonwealth I, Ltd.

Applicant(s): Cristina Provencio

Representative(s): Martina Lorey

Legal Description: A portion of Lots 11 - 15, Block 214, Alexander Addition

Location: 300 Cincinnati Street

Representative District: # 1

Area: 0.03 Acres

Zoning: C-1 (Commercial)

Request: Parking Reduction (Parking Required: 7, Parking Proposed: 0)
Percent Reduced: 100%

Proposed Use: Restaurant

Recognized Neighborhood Associations Contacted: Save The Valley, Coronado Neighborhood Association, Texas Apache Nation, Inc.

Surrounding Land Uses:

North -	C-1/sp (Commercial/special permit) / medical office
South -	R-4 (Residential) / fire station
East -	C-1 (Commercial) / vacant structure
West-	C-1 (Commercial) / restaurant

Year 2025 Designation: **Mixed-Use** (Northwest Planning Area)

**CITY PLAN COMMISSION HEARING, September 08, 2005,
1:30 P.M., CITY COUNCIL CHAMBERS, 2ND FLOOR, CITY HALL**

Special Use Permit: ZON05-00083

General Information:

The applicant is requesting a special permit to allow for parking reduction which will serve a proposed new restaurant. The property is 0.03 acres in size and is currently zoned C-1 (Commercial). The proposed site plan shows the new 1,395 sq. ft. restaurant to be located within the existing commercial building. The applicant is requesting a parking reduction of 100% because no parking spaces can be provided on the property.

Information to the Commission:

The Planning Department has received two **(2) phone calls** and a **petition** in **opposition** to this request.

Staff Recommendation:

The Development Coordinating Committee (DCC) recommends **approval** of this special permit for a parking reduction of 100%. There were **two dissenting votes** at the DCC from the Engineering Department – Traffic Division and the Street Department.

The recommendation is based on the following:

The Plan for El Paso City-Wide Land Use Goals recommend that El Paso “provide designated locations for commercial development that do not adversely affect the health, safety and welfare of the community and where essential infrastructure is available to serve the development.”

The Year 2025 Projected General Land Use Map for the **Northwest** Planning Area designates this property for **Mixed-Use** land uses.

C-1 (Commercial) zoning permits a parking reduction by special permit.

The Commission must determine the following:

- A. Will the special permit for a parking reduction protect the best interest, health, safety and welfare of the public in general?
- B. Will the special permit for a parking reduction be compatible with adjacent land uses?

Information To The Applicant:

Building Permits and Inspections Department Notes:

No adverse comments.

Engineering Department, Development Division Notes:

2. ADA accessible Sidewalks will be required.*
5. Drainage plans must be approved by the City Engineer.*
8. Additional Comments: Site location is **not** located within a Special Flood Hazard Area, Flood Zone **C**, Panel **480214 0039 B**, dated **Oct. 15, 1992**.

*** This requirement will be applied at the time of development.**

Engineering Department, Traffic Division Notes:

- A. The Traffic Division is recommending denial based on the Parking Reduction Study.
- B. There are no available parking spaces in the study area to serve the proposed restaurant.
- C. Several parking reduction requests have already been granted in the area leaving no available parking spaces at any hour of the day.

Fire Department Notes:

No comments received.

El Paso Water Utilities Notes:

No objections.

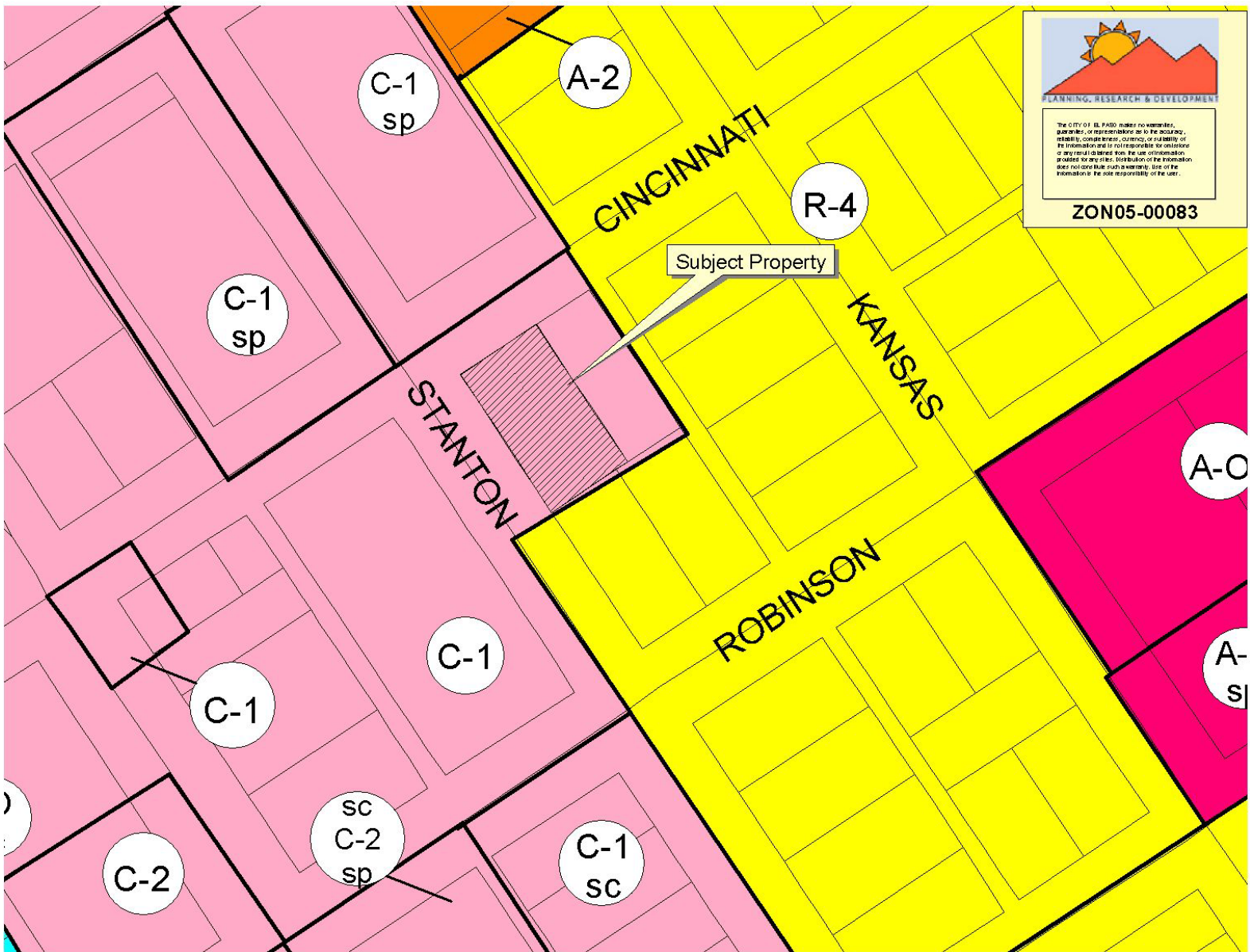
Planning, Research & Development Department Notes:

- A. The Year 2025 Projected General Land Use Map for the Northwest Planning Area designates this property for Mixed-Use land uses.
- B. C-1 (Commercial) zoning permits a parking reduction by special permit.

ATTACHMENT: Site Plan; Location Map, Petition.

NOTE TO THE PROPERTY OWNER: CITY PLAN COMMISSION POLICY REQUIRES THAT THE APPLICANT OR REPRESENTATIVE BE PRESENT AT THE PUBLIC HEARING FOR THIS ITEM. PLEASE DIRECT ANY QUESTIONS CONCERNING THIS REPORT TO THE PLANNING, RESEARCH AND DEVELOPMENT DEPARTMENT AT (915) 541-4056.

LOCATION MAP



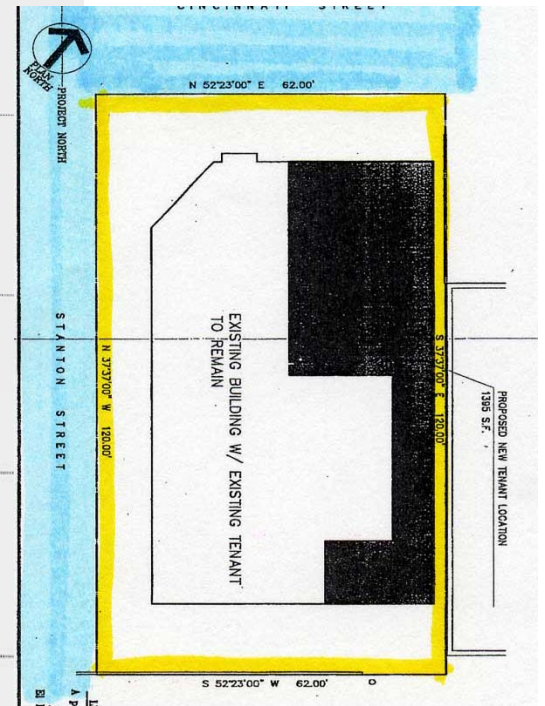
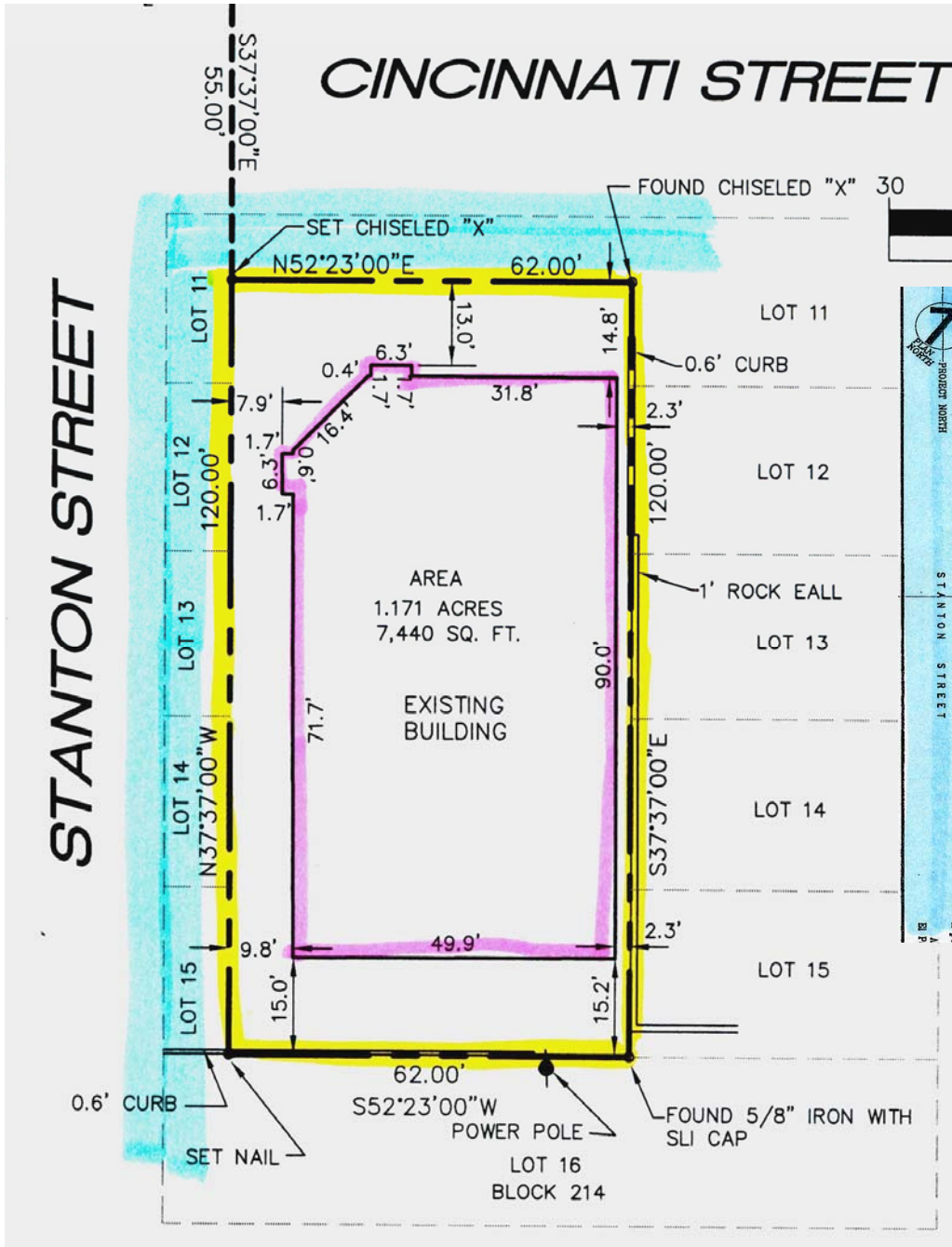
AERIAL MAP



The City of St. Paul makes no warranties, guarantees, or representations as to the accuracy, reliability, completeness, currency, or suitability of the information and is not responsible for any errors or any result obtained from the use of information provided for any other use. Distribution of the information does not constitute a warranty. Use of the information is the sole responsibility of the user.

ZON05-00083

GENERALIZED PLOT PLAN



City Planning Commission
City of El Paso

September 2005.

We the undersigned, all residents in the immediate vicinity of the proposed restaurant requested for 300 Cincinnati Avenue, oppose the granting of permission, with a parking waiver, that would permit such an establishment to open.

The area is full of restaurant/bars that serve food and alcohol that have been granted previous parking waivers, and as the engineering department has noted, there is no parking available for a new establishment serving alcohol. Furthermore, the proposed establishment would establish a new precedent by its location eastern side of Stanton Street, less than 25 yards from residential houses in West Kern Place in which families with children reside. This is a further incursion into the residential area which is already suffering from the disruptions caused by alcohol consumption on it's doorstep.

Ken Stewart
Mike McDo

Jim Jesse
a. Butler
B. Blalock

City Planning Commission
City of El Paso

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Gerardo 401 Cincinnati

Robert Monon 2617 North Kansas

Erica Monon 2617 N Kansas St

Isabelle 2704 N. Kansas St.

Mike Pulaski 405 Cincinnati

Orz Avon 416 Cincinnati

Edna Brown 411 Cincinnati

Bonnie Allen 2607 N. Kansas St

Alfonso Enriquez 2701 N. Kansas